JOHN M. APPELBAUM
Chief of Enforcement
MELODEE A. MATHAY
Senior Commission Counsel
Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of	FPPC No.: 02/158
TME – AFSCME LOCAL 1117 POLITICAL ACTION COMMITTEE, Respondent.	STIPULATION, DECISION, and ORDER

Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and Respondent TME – AFSCME Local 1117 Political Action Committee hereby agree that this stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent.

Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in section 18361 of title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear at any administrative hearing held in this matter, to be represented by an attorney at

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STIPULATION, DECISION AND ORDER

1 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to

2 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over

3 the hearing as a hearing officer, and to have the matter judicially reviewed.

4 It is further stipulated and agreed that Respondent TME – AFSCME Local 1117 Political

5 Action Committee violated the Political Reform Act by failing to include proper sender identification

6 on two mass mailings sent on or about February 27, 2002, in violation of Government Code section

7 84305, subdivision (a) (2 counts), as described in Exhibit 1. Exhibit 1 is attached hereto and

8 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of

9 the facts in this matter.

10 Respondent agrees to the issuance of the decision and order, which is attached hereto.

11 Respondent also agrees to the Commission imposing upon it an administrative penalty in the amount

12 of Four Thousand Five Hundred Dollars ($4,500). A cashier's check from Respondent in said amount,

13 made payable to the "General Fund of the State of California," is submitted with this stipulation as full

14 payment of the administrative penalty, to be held by the State of California until the Commission

15 issues its decision and order regarding this matter. The parties agree that in the event the Commission

16 refuses to accept this stipulation, it shall become null and void, and within fifteen (15) business days

17 after the Commission meeting at which the stipulation is rejected, all payments tendered by

18 Respondent in connection with this stipulation shall be reimbursed to Respondent. Respondent further

19 stipulates and agrees that in the event the Commission rejects the stipulation, and a full evidentiary

20 hearing before the Commission becomes necessary, neither any member of the Commission, nor the

21 Executive Director, shall be disqualified because of prior consideration of this stipulation.

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23 Dated: _____

Mark Krausse, Executive Director
Fair Political Practices Commission

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26 Dated: _____

Brian Perry, Treasurer of TME – AFSCME Local
1117, on behalf of TME – AFSCME Local 1117
Political Action Committee, Respondent

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DECISION AND ORDER

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The foregoing stipulation of the parties "In the Matter of TME – AFSCME Local 1117

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Political Action Committee, FPPC No. 02/158," including all attached exhibits, is hereby accepted as

the final decision and order of the Fair Political Practices Commission, effective upon execution below

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by the Chairman.

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IT IS SO ORDERED.

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Dated:

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Liane M. Randolph, Chairman
Fair Political Practices Commission

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STIPULATION, DECISION AND ORDER